

# Exhibit 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

MICHAELA UNDERWOOD, as the duly )  
appointed Administratrix of the )  
Estate of James Aaron McBrayer, )  
Deceased; )  
SHERRI McBRAYER, Individually )  
and as the surviving spouse of )  
James Aaron McBrayer, Deceased, )  
and; )  
SAMUEL AARON McBRAYER, by and )  
through his mother and natural )  
guardian ANGIE McBRAYER, and )  
JORDAN JANICE McBRAYER, the )  
surviving children of James )  
Aaron McBrayer, Deceased, )  
Plaintiffs, )

v. )

CIVIL ACTION NUMBER:  
7:21-CV-00040-WLS

HON. GENE SCARBROUGH, )  
Individually and in his official )  
capacity as Sheriff of Tift )  
County, Georgia )  
CLIFF HENDERSON, Individually and )  
in his official capacity as a )  
Lieutenant Deputy Sheriff of )  
Tift County, Georgia, )  
ANTHONY RAYMOND TRIPP, JR., )  
Individually and in his official )  
capacity as Deputy Sheriff of )  
Tift County, Georgia, )  
CONNER BRENNEN SPURGEON, )  
Individually and in his official )  
capacity as Deputy Sheriff of )  
Tift County, Georgia, and )  
AXON ENTERPRISE, INC. of DE, a )  
Delaware Corporation, )  
Defendants. )

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1 A. Uh-huh.

2 Q. Meaning --

3 A. Code 3. It means you turn on your lights and sirens  
4 and -- and it's an emergency.

5 Q. Okay. You then state I drove up on the site where  
6 the truck had wrecked. Can you describe to me that location  
7 where the truck had wrecked?

8 A. From where the location where they made contact with  
9 Mr. McBrayer, it would be -- if you're coming from the  
10 direction of Salem Church Road, when you're coming off of 82,  
11 it would be -- you would pass the vehicle first before you get  
12 to the address where they were at with him. As far as length,  
13 a few hundred yards, and that would be guessing, too.

14 Q. A -- a few hundred yards from where the truck was to  
15 the location of the incident with Mr. McBrayer?

16 A. That's correct.

17 Q. I'm going to show you what's been previously marked  
18 Defense Exhibit 2A through 2D. And these are aerial photos, if  
19 you can just take a moment to try to orient yourself.

20 (DEFENDANT'S EXHIBIT NUMBER 2A THROUGH 2D,  
21 PHOTOGRAPHS, were previously marked for  
22 identification.)

23 A. Okay.

24 Q. So on the first photo, 2A, it has an indication where  
25 303 Hall Road is; do you see that?